

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

870U0540

HOUSE JUDICIARY ENGROSSED NO. **HB 1151** -
02/06/2013

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Rounds, Campbell, Craig, Cronin, Greenfield, Hawley, Heinert, Hoffman, May, Nelson, Olson (Betty), Schaefer, and Verchio and Senators Maher, Lucas, Monroe, Rave, and Welke

1 FOR AN ACT ENTITLED, An Act to extend general immunity from liability for directors and
2 officers of certain nonprofit fire and ambulance departments and to limit certain actions for
3 personal injury or death.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 20-9-4.1 be amended to read as follows:

6 20-9-4.1. No peace officer, conservation officer, member of any fire department, police
7 department and their first aid, rescue or emergency squad, or any citizen acting as such as a
8 volunteer, or any other person is liable for any civil damages as a result of their acts of
9 commission or omission arising out of and in the course of their rendering in good faith, any
10 emergency care and services during an emergency which is in their judgment indicated and
11 necessary at the time. Such relief from liability for civil damages ~~shall extend~~ extends to the
12 operation of any motor vehicle in connection with any such care or services.

13 Nothing in this section grants any ~~such~~ relief to any person causing any damage by his



1 willful, wanton or reckless act of commission or omission.

2 Section 2. That chapter 20-9 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 Any action for recovery of damages for personal injury or death caused by the negligence
5 of directors and officers of a nonprofit fire, ambulance, or search and rescue entity organized
6 or incorporated in the State of South Dakota, or its employees and volunteers authorized by the
7 nonprofit organization at the time of the alleged negligent act shall be commenced within two
8 years from the occurrence of the accident causing the injury or death. This section applies
9 whether such person is classified, unclassified, licensed, certified, permanent, temporary,
10 compensated, or not compensated.

11 Section 3. That chapter 20-9 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 A nonprofit fire, ambulance, or search and rescue entity organized or incorporated in the
14 State of South Dakota and its volunteer officers and directors are immune from civil liability
15 for any action brought in any court in this state on the basis of any act or omission resulting in
16 damage or injury if:

- 17 (1) The individual was acting in good faith and within the scope of such individual's
18 official functions and duties for the nonprofit organization or corporation; and
19 (2) The damage or injury was not caused by gross negligence or willful and wanton
20 misconduct by such individual.